

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

**FRED HANEY, *et al.*,
individually, and on behalf of
all others similarly situated,**

Plaintiffs,

v.

**GENWORTH LIFE INSURANCE
COMPANY, *et al.*,**

Defendants.

Civil Action No. 3:22-cv-55

DECLARATION OF TIM SCHULTE

I, TIM SCHULTE, hereby declare under penalty of perjury that:

1. I am over eighteen years of age and fully competent to make this declaration. I have personal knowledge of all the statements made herein.

2. I am an attorney, and a member in good standing of the Virginia State Bar. I am admitted to practice before all state trial and appellate courts in Virginia, the United States District Courts of the Eastern and Western Districts of Virginia, and before the United States Court of Appeals for the Fourth Circuit. I maintain an office in Richmond, Virginia.

3. I hold law degrees from the Georg-August University law school in Göttingen, Germany, and the T.C. Williams School of Law of the University of Richmond, and a Master of Law from the Marshall-Wythe School of Law of the College of William and Mary. I have practiced civil litigation in Virginia since 1997, concentrating primarily in the areas of civil rights and employment law. After spending nine years of practicing law as an associate with two Richmond law firms, I co-founded the Richmond law firm of Shelley & Schulte, P.C., in 2006. In 2014, we opened a second office in Harrisonburg, Virginia, and renamed the firm Shelley Cupp Schulte,

P.C. My practice has included individual and class, private and public employment matters, and I have represented employees and management on a wide range of issues. The majority of my practice now involves representing employees in employment litigation.

4. I am a member of the Virginia Trial Lawyers Association ("VTLA"), the National Employment Lawyers Association ("NELA"), the Virginia Chapter of the National Employment Lawyers Association ("VELA"), and the Virginia Bar Association. I am a Director of VELA and a Member of the Labor and Employment Law Section Council of the Virginia Bar Association.

5. I have litigated and resolved numerous cases on behalf of plaintiffs in civil rights, including employment and wage and hour, cases before this Court. I am very familiar with all phases of federal civil litigation in the Eastern District of Virginia, Richmond Division. I have experience opining as to the reasonableness of attorneys' fees in cases brought in the Eastern District of Virginia, Richmond Division.

6. I have practiced in the Richmond, Virginia legal market for over 25 years, and am familiar with the hourly rates charged by attorneys engaged in this practice area, in this geographic area, with similar years of experience and practice as Plaintiffs' counsel, in comparable complex federal court litigation. I am also familiar with the standards for fee awards used in the federal courts under statutory fee provisions, as described by the Supreme Court in *Perdue v. Kenny*, as well as the decisions of the U.S. Court of Appeals for the Fourth Circuit and the Eastern District of Virginia considering statutory fee awards.

7. In setting the rates for attorneys who work at Shelley Cupp Schulte, P.C., we familiarize ourselves with the rates that other similarly situated firms charge in Richmond, Virginia for complex federal court litigation, including defense firms that represent employers in cases we litigate against in the Richmond Division of the Eastern District of Virginia. My hourly rate is

\$500 an hour and my partners' rates are \$500 an hour for Shelley and \$500 Cupp. These rates are regularly adjusted based on market rates for the Richmond, Virginia market. These hourly rates are paid by clients of my firm who choose to pay our rates on an hourly basis.

8. I personally know Plaintiff's counsel in this case, and know of the reputation of ThorsenAllen, LLC. I have read the declarations of James Thorsen, Esq. and Jesse Roche, Esq. and each have significant experience litigating federal discrimination and related cases. The rates that they seek to recover for their work performed in this action, Thorsen at \$600.00 an hour and Roche at \$400.00 an hour are rates at or below the market rates for federal court litigation in the Richmond Division of the Eastern District of Virginia. The rate for paralegal Kim Maiden is at or below market rates for paralegals with her experience working on complex federal litigation similar to this case in the Richmond Division of the Eastern District of Virginia.

9. I am familiar with this case having read the Complaint, ECF No. 1; the Amended Joint Stipulation of Class Action Settlement and Release, ECF No. 33-1; Objection of Jane Belkin, ECF No. 53; Joint Stipulation of Settlement with Objectors; Objector Jane Belkin's Brief in Support of Motion for Incentive Award and Attorneys' Fees; and relevant case law, including, but not limited to, *Halcom v. Genworth Life Ins. Co.*, No. 3:21-CV-19, 2022 WL 2317435 (E.D. Va. June 28, 2022) and *Skochin v. Genworth Fin., Inc.*, No. 3:19-CV-49, 2020 WL 6536140 (E.D. Va. Nov. 5, 2020). From my review of these documents and the outcome, I am of the opinion that the time the attorneys and their paralegal seek to recover for in this action are reasonable and a necessary use of time and resources in prosecuting this case and bringing out a modification to the Settlement Agreement that provides substantial relief to the class. Mr. Thorsen's Affidavit, Mr. Belkin's Affidavit, and Mr. Roche's Declaration as to their attorney fees and time spent and the

exhibits to said declarations detail the work performed and that Plaintiffs' counsel have exercised appropriate billing judgment in reducing hours that may have been redundant.

10. I am also of the opinion that the modification achieved in this case represents an excellent result for the class. Successfully objecting to the Settlement Agreement and obtaining such a modification requires time and skill and can be a burden for counsel as to both time and resources and time away or not devoted to other legal matters. The complex nature of such cases is reflected in the fact that very few attorneys in the Richmond, Virginia legal community successfully prosecute these cases.

11. I am of the opinion that the total hours Objector's counsel worked in this action through November 30, 2022 were both reasonable and necessary in order to achieve the excellent results obtained.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on this 30th day of November, 2022.



Tim Schulte, Esq.